

REMARKS

Claims 1-16 are pending in this application. Claims 1, 7-9 and 16 are amended to more distinctly claim the subject matter. Applicants submit that no new matter has been added by this response.

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No.: 2005/0221856 to Hirano et al. (hereinafter as "Hirano"). Claims 10 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent Publication No.: 2003/0063778 to Rowe et al. (hereinafter as "Rowe"). Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of US Patent Publication No. 2003/0100261 to Gusler et al. (herein after Gusler). Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rowe in view of Hirano. Applicants respectfully traverse the rejections, and requests reconsideration and allowance of these claims in view of the following arguments.

SPECIFICATION

The specification was objected to because of informalities, the specification has been amended as follows:

- (1) Paragraph [0005] on page 2, line 20, the word "difficulty" has been amended to "difficult."
- (2) Paragraph [0023] on page 7, line 1, the Examiner asserted that the word "user" was misspelled. Applicants respectfully submit that the word is correctly spelled in Applicants' copy of the specification. Nevertheless, Applicants submit the amended word "user" as suggested by the Examiner.

(3) Paragraph [0024] on page 7, line 12, the word "an" was deleted from the specification.

(4) Paragraph [0034] on page 10, line 18, "FIG. B" has been amended to "FIG. 5B". At line 19, the word "step" was amended to "(step S111)".

Applicants believe the amendments to the specification correct the noted objections, and therefore request that the objections be withdrawn.

CLAIM OBJECTIONS

On page 2 of the Office Action, claim 16 was objected to because of the following informality, "a horizontal" should recite "the horizontal". Accordingly, the appropriate correction has been made, and it is believed that the claim objection may be removed.

REJECTIONS UNDER 35 U.S.C. § 102

CLAIMS 1-6

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hirano. Claim 1 is directed to a mobile communication terminal and recites "wherein control information is developed responsive to movement occurring in the images."

Page 3 of the Office Action asserts that Hirano discloses the claim elements identified in claim 1. Applicants respectfully disagree.

Portions of the Office Action which are relied upon include:

"[0076] Next, the process instructing unit 104 specifies a type of process service that is processed by the server 109. The service type is specified by a user inputting from the input key unit 103 or automatically by using a default setting. *Here, recognition and translation of character strings in*

images is specified as a type of process service. When the process service is specified by the process instructing unit 104, the data sending unit 102 sends to the server 109 data that includes images stored in the image buffer 106, the type of process service specified by the process instructing unit 104, and related information (for example, a model code)." (Emphasis added.)

Applicants assume *arguendo* that Hirano discloses a mobile-terminal including an image processing unit. However, even if this is correct, the terminal of claim 1 is distinguishable because the Hirano components do not describe that control information is developed responsive to movement occurring in the images. In particular, as noted above, Hirano discloses a mobile-terminal-type translating system, wherein recognition and translation is a type of process service provided.

The Hirano device relates to "recognition and translation of character strings in images." More importantly, Hirano is absolutely silent on "movement occurring" in such images. Applicants emphasize that claim 1 recites processing images produced by the photographic apparatus, wherein control information is developed responsive to movement occurring in the images. Hirano contains no such teaching.

Accordingly, Applicants respectfully submit that Hirano fails to disclose the identified elements of claim 1, and therefore claim 1 is patentable. Since claims 2-6 depend from patentable claim 1, it is believed they are patentable at least by virtue of their dependence on patentable claim 1.

REJECTIONS UNDER 35 U.S.C. § 102

CLAIMS 10 and 11

On page 5 of the Office Action, claims 10 and 11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Rowe. Claim 10 is directed to a method for operating a mobile communication terminal with an integrated photographic apparatus including the limitations “determining a first difference between the first comprehensive value and a corresponding comprehensive initialization value derived from at least one initialization value; and *assigning a first operational function of the mobile communication terminal to the first difference.*” Applicants respectfully submit that Rowe does not disclose the just identified “assigning” element of claim 10.

The Examiner asserts that Rowe discloses “assigning a first operational function” as recited in claim 10, relying on Rowe paragraph [0054], which is reproduced in part as follows:

[0054] . . . These eigenvalues and a data set identifier identifying the face model 18-1; 18-n used to process the image together comprise sufficient *data to enable an image of the caller using the mobile phone to be generated and appear on the screen 9 of a receiver's telephone* as will now be described in detail with reference to FIGS. 6, 7 and 8.
(Emphasis added.)

Applicants have thoroughly reviewed the cited portion of Rowe and are unable to identify the significance of the cited passage as it relates to this claim. Clarification of the pertinence of this portion of Rowe is respectfully requested.

Applicants submit that claim 10 is distinguishable for the following reasons. The Rowe method and apparatus, as stated above, generates an image of the caller to appear on the screen of the receiver's telephone. However, claim 10 does not relate to generating an image for a second mobile communication terminal, but instead recites "assigning a first operational function of the mobile communication terminal." Put another way, Rowe relates to generating an image, whereas claim 10 relates to an "operational function." Clearly, an operational function is not the same as an image.

Contrary to Rowe's use of image identifying face data for generation of the image on the receiver's telephone, claim 10 recites assigning an operational function of a mobile communication terminal.

In view of the foregoing, Rowe fails to teach or suggest all of the features recited in claim 10, and therefore this claim is believed to be patentable. Dependent claim 11 is also believed to be patentable at least by virtue of its dependence from the patentable independent claim 10.

REJECTIONS UNDER 35 U.S.C. § 103(a)

CLAIMS 7-9

Claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirano in view of US Patent Publication No. 2003/0100261 to Gusler et al. (herein after Gusler).

Claim 7, as amended, is directed to a method for operating a mobile communication terminal "based on the control information, wherein the control information is developed responsive to movement occurring in the images."

On page 7 of the Office Action, the Examiner asserted that Hirano teaches the limitations of claim 7 with the exception of “setting an operational function of the mobile communication terminal to correspond to the control information,” and relies on Gusler to cure the deficiencies of Hirano. Applicants respectfully submit that even if one skilled in the art were to combine the teachings of the references in the manner asserted, the method disclosed would not teach or suggest all of the recited elements of claim 7.

With regard to the above-identified claim feature, page 7 of the Office Action refers to Gusler at paragraph [0042], and reference is further directed to paragraph [0043], portions of both are reproduced as follows:

[0042] The operational mode control device 250 performs the necessary functions for setting and determining the operational mode of the cellular telephone 200. *These functions may include determining the current user designated setting of the cellular telephone 200 based on the settings established by the user through an on-screen menu system, the physical position of a switch, the pressing of a button by the user, or the like. (Emphasis added.)*

[0043] The operational mode control device 250 identifies the current operational mode of the cellular telephone 200 and reports this operational mode to the controller 210.

Gusler is directed to an apparatus and method for delayed answering of mobile telephones, but fails to teach or suggest setting an operational function of the mobile

communication terminal to correspond to the control information, wherein the control information is developed responsive to movement occurring in the images. Instead, Gusler discloses, performing functions, such as, setting and determining the current user designated setting of the cellular telephone. Furthermore, as stated above, Gusler paragraph [0043], lines 1-3, simply discloses identifying the current operational mode of the cellular phones, but does not teach or suggest setting an operational function to correspond to control information.

In view of the foregoing, Gusler fails to teach one or more features recited in claim 7. Accordingly, even if one skilled in the art were to combine the teachings of Hirano and Gusler in the manner asserted, the method disclosed by the references would not teach or suggest all of the recited elements of claim 7. Thus, this claim is believed to be patentable. The rejected claims which depend from independent claim 7, i.e., claims 8 and 9, are further believed to be patentable at least by virtue of their dependence on the patentable claim 7.

Applicants note that on page 7 of the Office Action, the Examiner refers to reference Kawasaki et al., but fails to provide a citation number or include Kawasaki in the attached Notice of References Cited. It is assumed that the Examiner's reference is in error. However, Applicants request clarification to this reference if further action is necessary.

REJECTIONS UNDER 35 U.S.C. § 103(a)

CLAIMS 12 and 13

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rowe in view of Hirano. Claims 12 and 13 depend from independent claim 10, and as stated above, Rowe fails to teach or suggest all of the features recited in the claim, and therefore claim 10 is believed to be patentable. Applicants respectfully submit that Hirano does not cure the deficiencies of Rowe, in regards to "assigning an operational function of a mobile communication terminal," as recited in claim 10.

In view of the foregoing, Rowe fails to teach one or more features recited in claim 10. Accordingly, even if one skilled in the art were to combine the teachings of Rowe and Hirano in the manner asserted, the method disclosed by the references would not teach or suggest all of the recited elements of claim 10. Thus, claim 10 is believed to be patentable, and because claim 11 depends from claim 10, claims 12 depends from claim 11, and 13 depends from claim 12, it is believed that claims 11-13 are patentable at least by virtue of their respective dependency.

ALLOWABLE SUBJECT MATTER

Applicants note with appreciation that the Examiner indicated claims 14-16 would be allowable if rewritten in independent form. However, at this time Applicants respectfully decline this offer in view of the arguments presented herein.

CONCLUSION

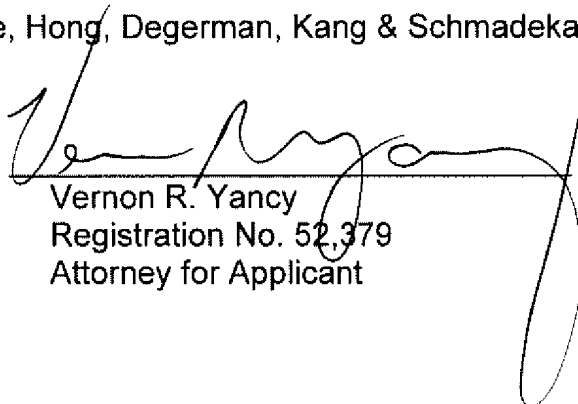
In view of the foregoing, it is respectfully submitted that the application and the claims are in condition for reconsideration on the merits, thus favorable reexamination of the application is requested. The Examiner is invited to call the undersigned attorney at (213) 623-2221 should the Examiner believe a telephone interview would advance the prosecution of the application.

Respectfully submitted,

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